

# MICHIGAN SUPREME COURT



## *Office of Public Information*

contact: Marcia McBrien | (313) 972-3219 or (517) 373-0129

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### **EXPEDITED DOCKET FOR SUMMARY DISPOSITION APPEALS ON AGENDA FOR SUPREME COURT PUBLIC HEARING ON JANUARY 27**

LANSING, MI, January 24, 2005 – A special Court of Appeals docket for appeals from orders granting or denying summary disposition is on the agenda for the Michigan Supreme Court’s January 27 hearing. The hearing, which will begin at 9:30 a.m. and end by 11:30 a.m., will be held in the Supreme Court courtroom on the sixth floor of the Michigan Hall of Justice, 925 West Ottawa, Lansing.

The Court will consider an amendment to Michigan Court Rule (MCR) 7.203 (**file nos. 2002-34, 2002-44**); the proposed amendment outlines the procedure for the special expedited track for summary disposition appeals. The Court implemented the special track by administrative order on January 1, 2005.

According to the Court of Appeals work group that proposed the change to MCR 7.203, summary disposition appeals should “generally be briefed, argued and disposed of within six months of filing.” To meet that six-month goal, the amended rule imposes tighter deadlines for attorneys to file briefs, and for the court to issue decisions, than for other types of appeals. Briefs in summary disposition appeals are also subject to shorter page limits. Parties may not file reply briefs without the Court of Appeals’ permission.

The Court invites members of the public to appear and share their views on agenda items. Speakers will have three minutes each to present their views; Supreme Court Justices may ask questions of the speakers. Anyone wishing to speak at the hearing should contact the Clerk of the Court at P.O. Box 30052, Lansing, Michigan 48909 or at [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov), no later than Tuesday, January 25. The complete public hearing agenda is on the “One Court of Justice” website at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PublicHearings/012705-Lansing.pdf>.

Other agenda items include:

- Amendments to MCR 9.124 and 9.126 (**file no. 2004-53**). These court rules govern the reinstatement procedure for an attorney whose license has been suspended. As part of that process, the attorney must provide a “personal history affidavit” which includes the attorney’s employment history, bank account statements, social security number, and other information. The rules were amended on November 2, 2004 to state that the attorney is required to file the personal history affidavit only with the grievance administrator, the head of the Attorney Grievance Commission. The amended rules also

provide that the affidavit is a confidential document and not open to the public. The Supreme Court will consider whether to retain these rule changes.

- Amendment to MCR 7.204 (**file no. 2004-43**). Subpart (c) of this rule applies to appeals or other postjudgment relief from court orders terminating parental rights. Effective November 2, 2004, the rule was amended to clarify that the 14-day time limit imposed by the rule applies only to appeals from orders entered under the Juvenile Code, as opposed to appeals from orders entered under the Adoption Code. The Court will consider whether to retain this amendment.
- Amendment to MCR 7.217 (**file no. 2004-37**). This rule governs involuntary dismissal of cases in the Court of Appeals. MCR 7.217 was amended effective October 19, 2004 to prohibit the Clerk of the Court of Appeals from accepting late motions for reinstating an appeal that the court dismissed for lack of prosecution. The Supreme Court will consider whether to retain this rule.
- Proposed amendment to MCR 3.215 (**file no. 2004-40**). MCR 3.215 applies to court referees in domestic relations cases. The proposed amendment would implement Public Act 210 of 2004, which redefines “de novo hearings” and allows trial courts to give interim effect to a referee’s recommended order pending a de novo hearing. The Court will consider whether to adopt this rule.
- Proposed amendment to MCR 6.445 (**file no. 2004-11**), which governs probation revocation. The amendment would require the sentencing judge to tell the person whose probation is revoked that he or she is entitled to appeal by right only if he or she was convicted as a result of a trial. If the probationer was convicted based on a guilty plea or no contest plea, he or she would not be entitled to an appeal by right. The Court will consider whether to adopt this rule.
- Proposed amendments to MCR 6.425, 7.210, and 8.119 (**file no. 2003-65**). The proposed changes, which were suggested by a Court of Appeals work group, would expedite appointed counsel’s orders for additional transcripts in criminal appeals; trial courts would be required to provide the transcripts within 14 days after receiving a timely request from counsel. Another recommended change, which would apply to all appeals, states that, within seven days of receiving an order for a trial court transcript, the court reporter or recorder must provide a certificate with information about the transcript, including the estimated number of pages and the name of the court reporter or recorder who is responsible for the transcript. This change is aimed at helping attorneys discover and order missing transcripts. Another proposed amendment would expedite trial court transcript orders by requiring the circuit court’s register of actions to note whether a hearing was held on the record and the name and certification number of the court reporter or recorder who is responsible for transcribing the hearing. This change would apply to all appeals. The Court will consider whether to adopt these proposed amendments.

For more information about proposed and recently adopted court rules, please visit <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm>.